



Case No.: 99,395-A 3

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Compositions and Methods for Increasing Cholesterol Efflux and
Raising HDL Using ATP Binding Cassette Transporter Protein ABC1**

the specification of which is attached hereto unless the following space is checked:

☒ was filed on June 16, 2000 as United States Application Serial Number
09/595,526.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

| | <u>Number</u> | <u>Country</u> | <u>Day/Month/Year Filed</u> |
|----|---------------|----------------|-----------------------------|
| 1. | | | |
| 2. | | | |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| | <u>Application Number</u> | <u>Filing Date</u> |
|----|---------------------------|--------------------|
| 1. | 60/140,264 | June 18, 1999 |
| 2. | 60/153,872 | September 14, 1999 |
| 3. | 60/166,573 | November 19, 1999 |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number


Filing Date

Status: patented, pending, abandoned

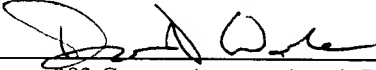
- 1.
- 2.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

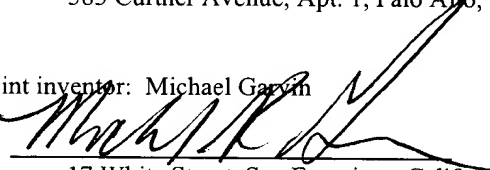
Full name of first inventor: Richard M. Lawn

Inventor's signature:  Date: 9/15/00
Residence: 1927 8th Avenue, San Francisco, California 94116
Citizenship: United States
Post Office Address: 1927 8th Avenue, San Francisco, California 94116

Full name of second joint inventor: David Wade

Inventor's signature:  Date: 9-9-00
Residence: 383 Curtner Avenue, Apt. 1, Palo Alto, California 94306
Citizenship: Great Britain
Post Office Address: 383 Curtner Avenue, Apt. 1, Palo Alto, California 94306

Full name of third joint inventor: Michael Garyn

Inventor's signature:  Date: 9-11-00
Residence: 17 White Street, San Francisco, California 94109
Citizenship: United States
Post Office Address: 17 White Street, San Francisco, California 94109

Full name of fourth joint inventor: John F. Oram

Inventor's signature: _____ Date: _____
Residence: 1728 NE Naomi Place, Seattle, Washington 98195
Citizenship: United States
Post Office Address: 1728 NE Naomi Place, Seattle, Washington 98195



Case No.: 99,395-A

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Compositions and Methods for Increasing Cholesterol Efflux and Raising HDL Using ATP Binding Cassette Transporter Protein ABC1

the specification of which is attached hereto unless the following space is checked:

☒ was filed on June 16, 2000 as United States Application Serial Number 09/595,526.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

| | <u>Number</u> | <u>Country</u> | <u>Day/Month/Year Filed</u> |
|----|---------------|----------------|-----------------------------|
| 1. | | | |
| 2. | | | |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| | <u>Application Number</u> | <u>Filing Date</u> |
|----|---------------------------|--------------------|
| 1. | 60/140,264 | June 18, 1999 |
| 2. | 60/153,872 | September 14, 1999 |
| 3. | 60/166,573 | November 19, 1999 |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number Filing Date Status: patented, pending, abandoned

1.
2.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Richard M. Lawn

Inventor's signature: _____ Date: _____
Residence: 1927 8th Avenue, San Francisco, California 94116
Citizenship: United States
Post Office Address: 1927 8th Avenue, San Francisco, California 94116


Full name of second joint inventor: David Wade

Inventor's signature: _____ Date: _____
Residence: 383 Curtner Avenue, Apt. 1, Palo Alto, California 94306
Citizenship: Great Britain
Post Office Address: 383 Curtner Avenue, Apt. 1, Palo Alto, California 94306

Full name of third joint inventor: Michael Garvin

Inventor's signature: _____ Date: _____
Residence: 17 White Street, San Francisco, California 94109
Citizenship: United States
Post Office Address: 17 White Street, San Francisco, California 94109

Full name of fourth joint inventor: John F. Oram

Inventor's signature:  Date: 8/30/00
Residence: 1728 NE Naomi Place, Seattle, Washington 98195
Citizenship: United States
Post Office Address: 1728 NE Naomi Place, Seattle, Washington 98195

+
3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney's Docket No. 99,395-A)

Applicant or
Patentee:

Richard M. Lawn, David Wade, Michael Garvin, and John F. Oram

Serial or
Patent No.

09/595,526

Filed or

Issued: June 16, 2000

Title: COMPOSITIONS AND METHODS FOR INCREASING CHOLESTEROL EFFLUX AND RAISING HDL, USING ATP BINDING CASSETTE TRANSPORTER PROTEIN ABC1



**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐
☒

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CV THERAPEUTICS, INC.

ADDRESS OF CONCERN: 3172 Porter Drive, Palo Alto, CA 94304

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled COMPOSITIONS AND METHODS FOR INCREASING CHOLESTEROL EFFLUX AND RAISING HDL, USING ATP BINDING CASSETTE TRANSPORTER PROTEIN ABC1

by nventors Richard M. Lawn, David Wade, Michael Garvin, and John F. Oram
described in

☐ the specification filed herewith.
☒ Application Serial No. 09/595,526, filed June 16, 2000.
☐ Patent No. _____, issued _____.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Louis G. Lange, III, M.D., Ph.D.

TITLE IN ORGANIZATION: Chairman and CEO

ADDRESS OF PERSON SIGNING: 3172 Porter Drive, Palo Alto, CA 94304

Signature: L. G. Lange

185

Date: September 28, 2000

4/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney's Docket No. 99,395-A)

Applicant or

Patentee: Richard M. Lawn, David Wade, Michael Garvin, and John F. Oram

Serial or

Patent No. 09/595,526

Filed or

Issued: June 16, 2000

Title: COMPOSITIONS AND METHODS FOR INCREASING CHOLESTEROL EFFLUX AND
RAISING HDL, USING ATP BINDING CASSETTE TRANSPORTER PROTEIN ABC1



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) and § 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: University of Washington

ADDRESS OF ORGANIZATION: 1107 N.E. 45th Street, Suite 200
Seattle, Washington 98105

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. § 501(a) and § 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of State _____)
- (Citation of Statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. § 501(a) and § 501(c)(3)) if located in the United States of America
(Name of State _____)

(Citation of Statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled COMPOSITIONS AND METHODS FOR INCREASING CHOLESTEROL EFFLUX AND RAISING HDL, USING ATP BINDING CASSETTE TRANSPORTER PROTEIN ABC1 by inventor(s) Richard M. Lawn, David Wade, Michael Garvin, and John F. Oram.

described in

☐ the specification filed herewith.
☒ Application Serial No. 09/595,526, filed June 16, 2000.
☐ Patent No. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above identified nonprofit organization are not exclusive, each individual concern or organization having rights in the invention must file separate verified statements averring to their small entity status and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify, as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☐ No such person, concern or organization exists.
☒ Each such person, concern or organization is listed below.

FULL NAME CV Therapeutics, Inc

ADDRESS 3172 Porter Drive, Palo Alto, California 94304

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Brad Laesch

TITLE IN ORGANIZATION: Technology Manager

ADDRESS OF PERSON SIGNING: University of Washington
Office of Technology Transfer
1107 N.E. 45th Street, Suite 200
Seattle, Washington 98105

Signature: _____

Date: _____

Brad Laesch

Sep 27, 2000